

S/N 10/086,993

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BYNUM Examiner: DeSanto, Matthew F.
Serial No.: 10/086,993 Group Art Unit: 3763
Filed: FEBRUARY 28, 2002 Docket No.: 9015.145US01
Title: CHILD SAFETY CAP FOR SYRINGE PUMP

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents, TC3700 703-872-9302 on July 10, 2003.


By: Michele Quaranto

RESPONSE TO ELECTION AND RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This responds to the Office Action mailed June 10, 2003. On pages 2 - 4 of the Office Action the Examiner requested restriction to the claims in one of five different groups identified by the Examiner. Applicant hereby elects the claims of Group I, claims 1-13. Claim 1 is directed to a medication pump comprising a cartridge chamber for receiving a medication cartridge, a pump cap, and a safety cap cover. In the drawings, pump (10) shown in Figs. 1 and 2 includes a cartridge chamber (80), and a pump cap (16). An embodiment of a safety cap cover (800) which attaches to and fits over the pump cap is shown in Fig. 38.

On pages 4 and 5 of the Office Action, the Examiner requested election of one species for each of three groups identified by the Examiner. Applicant hereby elects Species A (Fig. 4) of Group 1. Applicant believes the species election requirement for Group 1 is not appropriate. Figs. 4, 9, and 21 as identified by the Examiner as being patentably distinct species are different views of the same pump 10. All of claims 1-13 are readable on Species A (Fig. 4) of Group 1.

With respect to Group 2, Applicant hereby elects Species L (Fig. 1). Applicant respectfully submits the identification of different species in Group 2 between Figs. 1 and 10 is

not appropriate. Fig.10 illustrates the cartridge barrel 202 and the plunger 204 which are used with the pump 10 of Fig. 1. Removable rod 206 is shown in Fig.10, for use in moving plunger 204 for filling cartridge barrel 202. All of claims 1-13 are readable on Species L (Fig.1) of Group 2.

With respect to Group 3, Applicant hereby elects Species Z (Fig. 38). Applicant respectfully submits the identification of different species in Group 3 between Figs. 17 and 38 is not appropriate. The child safety cap cover of Fig. 38 is described as being used over cap 16 of Figs. 1 and 17 (see page 31, line 1). All of claims 1-13 are readable on Species Z (Fig. 38) of Group 3.

Applicant's representative discussed the above-identified species election with the Examiner on July 8, 2003. Applicant's representative requested clarification on the appropriate response for election of species within each group. At the conclusion of the interview, Applicant's representative indicated a written response would be prepared and filed.


If the Examiner would like to discuss any further issue, examiner is urged to contact applicants' representative at the below noted telephone number.



Date: July 10, 2003

Respectfully submitted,

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TO: Commissioner for Patents
Attn: Examiner DeSanto
Patent Examining Corps
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FROM: Steven C. Bruess

OUR REF: 9015.145US01
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Total pages, including cover letter: 3

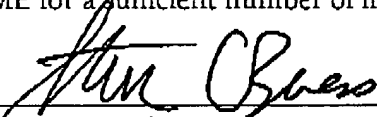
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If you do NOT receive all of the pages, please telephone us at 612.332.5300, or fax us at 612.332.9081.

Title of Document Transmitted: Response to Election and Restriction Requirement


Applicant: BYNUM
Serial No.: 10/086,993
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Our Ref. No.: 9015.145US01

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: 
Name: Steven C. Bruess
Reg. No.: 34,130

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Michele Quaranto


Signature

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